

**House Committee Activity: March 22 - 24, 2004**

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Transportation

**Matt Barnes**

Agriculture  
Commerce

**Paige Edwards**

Judiciary

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State and Local Government

**Pam Mason**

Education

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Health and Human Resources

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Children and Family Affairs  
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*Chairman John DeBerry and Vice-chair Sherry Jones at this week's meeting of the Children and Family Affairs Committee.*

**In This Week's Review:**

**Committee Activity**

**And**

**Summaries of Budget Hearings**

**Commission on Aging  
Department of Children's Services  
Department of Mental Health and Developmental Disabilities  
F&A Division of Mental Retardation Services**

## **Agriculture**

*Matt Barnes*

### **Full Committee**

The **Agriculture Committee** met Tuesday with five bills on calendar.

- Rolled:

**HB 2886** (McCord), which enacts the "Horse Industry Promotion Act," was rolled for one week.

**HB 2718** (Bone), which revises the tobacco tax law, was rolled for two weeks.

**HB 3461** (McMillan), which allows the county or city dog pounds discretion to put down seized dogs after two days instead of requiring such, was rolled for one week.

- Failed:

**HJR 774** (Brooks, Henri) expresses the General Assembly's support for the Black Farmers and Agriculturalists Association in its efforts to remedy past discrimination against black farmers by the U.S. Department of Agriculture (USDA). Rep. Brooks cited problems with the Consent Decree entered into to settle a class action suit brought on behalf of black farmers and said the resolution simply asks Congress to hold hearings on the matter.

The committee went into recess to hear from Louis Buck of the Tennessee Farm Service Agency of the USDA. Mr. Buck said the case was a legal matter settled by two groups. Under the terms of the Consent Decree, however, four other neutral entities are involved and operate independently of the USDA. They are 1) facilitator, 2) adjudicator, 3) arbitrator, and 4) monitor. When a question arose as to whether some black farmers missed deadlines for filing because of local county committee inefficiencies, Mr. Buck said the parties must operate according to the guidelines established by all the entities involved. Further, he said the USDA no longer operates under the county committee system and that USDA Secretary Ann Veneman takes all discrimination matters seriously, so much so that she recently created the Office of Civil Rights within the department.

Several members were uncomfortable with the possibility the resolution might indict local county committee members prematurely, so Reps. Bowers and Dunn suggested omitting some language as an amendment to the resolution. Several members also

pointed out the Consent Decree was intended to settle past discrimination while the resolution implies the discrimination is ongoing. The committee adopted the amendment, but the bill failed 5-7 with one present and not voting.

- Taken off notice:

**HB 3231** (Newton), by suspension of the rules, was moved to the Civil Procedure Subcommittee.

## **Children & Family Affairs**

*Shannon Romain*

### **The Full Committee**

The **Children and Family Affairs Full Committee** referred **HB 1090** (Rep. L. DeBerry) to Finance, Ways and Means. The bill establishes a pilot program for therapeutic homes for at-risk children in Shelby County that will be administered by the Department of Children's Services.

**HJR 0990** (Rep. Dunn) was also referred to Finance. The resolution proposes an amendment to the Tennessee Constitution defining marriage as a legal contract between a man and a woman. If the constitution is amended, licenses issued in any other state or foreign jurisdiction permitting legal contracts between any other persons except a man and a woman shall be void and unenforceable in this state.

The following bills were deferred one week:

**HB 0137** (Buck)  
**HB 2346** (Harrison)  
**HB 2845** (Buck)  
**HB 2899** (Casada)  
**HB 3366** (J. DeBerry)  
**HB 2739** (Bunch)  
**HJR 0890** (Cooper)

### **Domestic Relations Subcommittee**

In the **Domestic Relations Subcommittee**, **HB 1642** (Rep. West) was referred to the full committee. Pursuant to the bill, parties to a divorce on the ground of irreconcilable differences do not have to be present at the final hearing if the court approves the marital dissolution agreement and the agreement has been signed by both

parties for at least thirty (30) days before the final hearing.

**HB 2627** (Rep. Clem) failed in committee. The bill prohibited the state from legally recognizing same-sex civil unions and domestic partnerships entered into in other states. The bill failed 5-4.

The following bills were deferred one week. All other bills were taken off notice.

**HB 0639** (Maddox)

**HB 0861** (Bunch)

**HB 2848** (Bowers)

**HB 2733** (Bunch)

**HB 3121** (J. DeBerry)

**HB 3315** (Windle)

**HB 3367** (J. DeBerry)

**HB 3396** (Kernell)

**The subcommittee is scheduled to hold its final meeting on March 31, 2004.**

### **Family Justice Subcommittee**

In the **Family Justice Subcommittee**, **HB 2614** (Rep. DuBois) was the only bill referred to the full committee. As amended, the bill directs the administrative offices of the court, in conjunction with others, to conduct a comprehensive study on the development of a standardized parenting plan form. The office shall publish a written report of its findings by January 11, 2005, and present a copy to members of the General Assembly. The amendment makes the bill.

The following bills were deferred to next week, the last scheduled meeting of the committee.

**HB 1463** (J. DeBerry)

**HB 1931** (Bunch)

**HB 1932** (Bunch)

**HB 2245** (Vincent)

**HB 2257** (Bowers)

**HB 2543** (Fowlkes)

**HB 3102** (Bowers)

## **Commerce**

*Matt Barnes*

### **Full Committee**

The **Commerce Committee** took the following actions at its Tuesday meeting.

- Passed to Calendar and Rules:

**HB 2339** (Bowers), as amended, regulates the use of consumer credit information when rating risk for personal insurance. Rep. Bowers said the amendment, which makes the bill, was worked out with the administration and insurance industry.

**HB 2328** (Harrison), as amended, requires TennCare MCOs and BHOs to contract directly with federally qualified health centers, federally qualified health center look-alikes and rural health clinics, instead of contracting with providers employed by the facility.

**HB 2317** (Head) exempts architects born before January 1, 1928, from continuing education requirements.

**HB 3411** (Hargrove), as amended, requires that at least one employee of a licensed manufactured home retailer who is directly involved in the installation be certified by the commissioner of the Department of Commerce and Insurance and pay the associated fees. One such certified employee shall also be on site at the time of installation. Chairman Hargrove pointed out this bill relates to the comprehensive mobile home legislation passed in 2002. Further, he said the bill brings the state in line with federal guidelines that require compliance by 2005.

**HB 3422** (Overbey) revises the manner in which a nonprofit corporation director may be removed. Current law states an appointed director may be removed with or without cause; this bill revises that to state *except as otherwise provided in the articles or bylaws*, such director may be removed without cause by the person appointing the director. Rep. Overbey said the bill is needed because the one sentence in current law the bill replaces is not consistent with the Model Nonprofit Corporation Act.

- Passed to Finance, Ways, and Means:

**HB 3526** (Armstrong) is an administration bill that repeals all provisions related to toughman-badman matches. Rep. Armstrong assured the committee the bill has no effect on boxing matches and went on to say the Boxing Commission approves the bill.

**HB 3482** (Coleman) is an administration bill that allows the commissioner of the Department of Commerce and Insurance to require insurers under administrative supervision to pay reasonable costs during such supervision.

- Rolled for one week:

**HB 2870** (Shepard) expands the entities covered by the pharmacy access statute. Presently, issuers of health insurance and managed health insurance are prohibited from denying the right of any licensed pharmacy or pharmacist to participate in plans under the same terms and conditions as other pharmacy providers. The committee adopted an amendment last week that includes the state or its political subdivisions in the prohibition. Rep. Shepard said he planned to meet on Wednesday with the administration and those in the industry to hash out their differences. The committee upheld a motion by Rep. Odom to roll the bill and place it as the first on next week's calendar.

**HB 3234** (McKee) exempts from health mandates those insurance plans that provide only major medical coverage for catastrophic illness requiring in-patient hospital care. Such plans would not be exempt from specified mandates that are necessary for basic health care.

**HB 3240** (Wood) prohibits privately owned public utilities that supply water to municipal governments from charging those governments for hydrant services when the governments provide fire protection services. Rep. Wood said the parties are working on an amendment.

- Taken off notice:

**HB 2372** (Baird)

### **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** either rolled or took off notice all of its bills on Tuesday.

- Rolled one week:

**HB 2967** (Fitzhugh) prohibits Blue Cross/Blue Shield from participating in the state employees group insurance program unless it permits those hospitals participating in TennCare to be providers for the state employees program.

**HB 3349** (Overbey) requires health insurance entities to reimburse physicians from the date the physicians' credentialing applications are submitted, as opposed to when the applications are approved.

**HB 2430** (Overbey) requires health insurers to offer coverage for bariatric surgery to treat morbid obesity.

**HB 2748** (P. Johnson) authorizes multi-employer self-insuring pools for nonprofit business coalitions or associations. The subcommittee adopted an amendment last week that corrects the intent of the bill and moves it into another subsection in the Code under group policies.

**HB 3233** (McKee) requires insurance companies to verify to providers that a claim has been received.

**HB 0858** (Brown) allows providers to be reimbursed from the date they apply for credentialing within an MCO network, as opposed to the date such applications are approved.

**HB 2732** (Bunch) requires health insurers to provide their prevailing rate chart within 30 days of a request by a provider or the provider's attorney.

**HB 1246** (DeBerry, J.) prohibits health insurers from terminating coverage to divorced or widowed spouses, or to dependent children, in the event of death or divorce of the insured. It calls for those insurers to put into such policies a provision that entitles those persons to an extension of that coverage, without evidence of insurability and without the usual probationary and waiting periods.

**HB 1482** (Armstrong) requires architects and engineers to oversee construction phases of buildings and structures over three stories.

**HB 2314** (Head) makes the Tennessee Insurance Guaranty Association Act applicable to excess insurance purchased by a group made up of cities, counties, housing authorities, utility districts, volunteer fire services and electric cooperatives.

- Taken off notice:

**HB 3163** (Shaw)

**HB 0022** (Turner, M.)

### **Small Business Subcommittee**

The **Small Business Subcommittee** met Wednesday with 13 bills on calendar. This was supposed to be the last meeting of the subcommittee, but Chairman Ferguson said the subcommittee would meet one more time.

- Passed to full committee:

**HB 2755** (Bunch), as amended, provides that whenever a time-share estate program is part of a subdivision that has a board of directors and property owners association, the board shall represent the same proportion of time-share units, developed lots and non-developed lots as represented in the entire subdivision. The number for each type of ownership shall not be less than one. Rep. Bunch pointed out this bill has no effect on real property subdivisions, that it only affects resort areas.

**HB 3405** (Hargrove) limits the amount of a lien a residential contractor may file against residential property for the construction of a new home. Chairman Hargrove said the parties are still working on this bill and that he would hold it in full committee if the details were not worked out.

**HB 3502** (McMillan) is an administration bill that requires licensing for alarm systems contractors every two years instead of annually.

**HB 3505** (McMillan) is an administration bill that requires private investigators seeking biennial renewal of their licenses to complete 12 hours of continuing professional education as a prerequisite for renewal.

**SJR 64** (Herron) urges Congress to require government uniforms and equipment be manufactured in this country. Rep. Borchert, who presented the resolution, said it simply urges Congress to act and does not mandate in any way.

- Rolled one week:

**HB 1374** (Sharp) authorizes the City of East Ridge to sell Class C common fireworks at retail.

**HB 3132** (Turner, B.) authorizes the Alarm Systems Contractors Board to prescribe tests required for registration and the associated fees.

**HB 3230** (Harmon) provides tax credits for sales and use tax payments related to pilot scale manufacturing, research, and development.

**HB 3284** (Mumpower) exempts licensed telecommunications contractors from the requirement that they be licensed as an alarm systems contractor if less than 50 percent of their work is related to alarm systems.

- Taken off notice:

**HB 1278** (Hargett)

**HB 1443** (Hargett)

**HB 3226** (Bone)

**HB 3408** (Hargrove)

### **Utilities and Banking Subcommittee**

The **Utilities and Banking Subcommittee** met Tuesday with seven bills on calendar.

- Sent to full committee:

**HB 2347** (Kent), as amended, allows the statewide building construction safety standards to be taken from amended versions of nationally recognized publications, so long as they are designed to afford a reasonable degree of safety to life and property. Local government building construction safety publications shall be considered outdated after seven years of the latest editions unless approved otherwise by the state fire marshal.

- Rolled one week:

**HB 2931** (Rinks) increases electrical inspection fees.

**HB 1208** (DuBois) directs the TRA to create a registry for those not wanting to receive unsolicited e-mail messages.

**HB 2569** (Hackworth) clarifies that financial institutions are deemed to be doing business in Tennessee if they regularly solicit business from customers in this state using electronic communications.

**HB 2892** (Head), as amended, requires incumbent local exchange telephone companies establishing rates and/or terms to file tariffs with the TRA, such tariffs becoming effective 21 days after filing, subject to certain conditions. A second amendment changes the first to allow the TRA to suspend a tariff pending hearing with or without a complaining party. Chairman Head said the bill, as amended, equalizes competition across the state. The subcommittee adopted both amendments.

**HB 724** (Curtiss), as the sponsor explained, is the result of the ad hoc committee for plumber licensing that met during the last interim. He said the parties have finally come together and agreed on an amendment to the bill that establishes the limited licensing guidelines. The

subcommittee ran out of time and therefore did not adopt the amendment. Meredith Sullivan, legislative liaison for the Department of Commerce and Insurance, spoke during a recess about the administration's plan to review the efficiency of all the regulatory boards this summer. She said this bill, if passed, would be added to such plans since it contributes to the duties associated with the Board for Licensing Contractors.

**HB 2518** (Turner, M.) is a consumer protection bill requiring notice to certain homebuyers that a house lies in a flood plain or did before being raised.

## **Conservation & Environment**

*Greg E. Adkins*

### **The Full Committee**

The **full Environment Committee** met on Tuesday, March 23, 2004, and considered six bills. The committee also heard testimony from Jim Carpenter with the Tennessee Forestry Commission about the results from the Southern Resource Assessment that was established by **HJR 189**.

**HB 1418** by Rep. McCord passed to FW&M as amended. The amendment makes the bill and states that persons, including but not limited to owners and operators of agricultural land, whose storm water runoff is not discharged into storm water flood control facilities of a municipality shall be exempt from payment of the graduated storm water user fee. **HB 2285** by Rep. Vincent was rolled one week. The amended bill would authorize any county that is not in the state's computer system (CAAS) to enter into contract or inter-local agreement with the county in which the municipality is located to bill and collect storm water fees for the municipality as a designated item on the ad valorem tax notice issued by the county trustee. **HB 3535** by Rep. McMillan & Rep. Rinks passed to C&R. The bill would authorize TWRA to enter into agreements with the U.S. Coast Guard to enforce homeland security related activities on state waters. The Tennessee Office of Homeland Security must approve all agreements. **HB 3316** by Rep. Bittle passed to C&R. The bill clarifies that a lifetime sportsman license fee for children less than three years old is not subject to periodic fee increases. **HB 2731** by Rep. Bunch was rolled one week (permits children under 18 years of age to obtain a hunting and fishing license without a social security number). **HB 3193** by Rep. Garrett was rolled to the last

calendar of the full committee. The bill restores distribution of transfer tax to certain environmentally oriented funds (the amendment makes the bill effective in 2005).

### **Environment Subcommittee**

The **Environment Subcommittee** met on Tuesday, March 23, 2004, and considered four bills. **HB 3067** by Rep. Hagood passed to the full committee as amended. The amended bill would appropriate \$6 million from the general fund to pay for incentives of 30 cents a gallon to ethanol producers who purchase grain from Tennessee in order to make motor fuel that contains at least 10 percent ethanol. The following bills were rolled one week: (1) **HB 222** by Rep. Turner (Davidson) (amended to mandate the use of SMZ's as a best managed practice technique for water quality violations), (2) **HB 1159** by Rep. McDonald (chipmill regulation), and (3) **HB 2327** by Rep. McDonald (rural water development program).

### **Parks Subcommittee**

The **Parks Subcommittee** met on Wednesday, March 24, 2004, and considered three bills. **HB 3495** by Rep. McMillan & Rep. McDonald passed to full committee as amended. The amended bill allows the commissioner of TDEC to purchase services for state park operations without the approval of any other state agency. The amended bill also clarifies that the new law shall not be construed to allow the department to contract for services previously accomplished for the parks by state employees.

**HB 3096** by Rep. Todd was passed to full committee as amended. The amended bill would insure that TDEC files a master plan within two years of a new natural area designation. The amendment also mandates that if the special characteristics of the natural area change to the detriment of the area the department shall submit changes to the General Assembly for reconsideration. **HB 2368** by Rep. Tidwell was rolled one week (authorizes similar structures to be built in State Parks without approval of the State Architect).

### **Wildlife Subcommittee**

The **Wildlife Subcommittee** did not meet because all of the bills were either rolled or taken off notice. The following bills were rolled one week: **HB 1047** by Rep. McCord and **HB 3428** by Rep. Buttry. The following

bills were taken off notice: **HB 1740** by Rep. Davidson, **HB 1791** by Rep. Davidson, **HB 2576** by Rep. McDonald, and **HB 2672** by Rep. Winningham.

## **Consumer & Employee Affairs**

*Shannon Romain*

### **Employee Affairs Subcommittee**

The **Consumer and Employee Affairs full committee** did not meet. **Employee Affairs** was the only subcommittee that met this week. No bills were referred out of subcommittee, and the following bills were deferred one week:

**HB 0033** (Windle)  
**HB 2164** (M. Turner)  
**HB 0527** (Windle)  
**HB 2164** (Turner)

## **Education**

*Pam Mason*

### **The Full Committee**

The Education Committee met on Wednesday and had three bills on its calendar. The actions follow.

Recommended to Calendar and Rules:

**HB 2225** - (Maddox) prohibits employment by higher education boards or institutions for twelve (12) months of any non-employee member of presidential search committee.

Recommended to Finance, Ways and Means as amended:

**HB 3510** - (Winningham) the Teacher Salary Equity bill. There are two basic parts of this legislation, a change in the funding formula and an improved salary distribution system. The amendment makes the bill and as amended does the following:

- Will increase total average salary, in one year, from \$39,799 to \$43,127. This will surpass the Southeast average of \$41,888.
- New salary dollars in 122 systems, representing 48,000 teachers, will be generated through the BEP formula.

- No system will receive less money than the current year. There is a hold harmless provision in the legislation.
- Significantly reduces burden on local governments to fund teacher salary increases.
- Expands the state salary schedule from 15 to 20 years. Teachers will receive step raises in years 16 to 20. This should help in teacher retention.
- The formula is incorporated in the BEP.
- Disparity will be reduced.
- The bill was additionally amended that nothing from this act can be construed to change any existing 2003-2004 contract for the next year after recalibration. This is a one time provision.

Deferred 1 week:

**HB 3319** - (Curtiss)

### **K-12 Subcommittee**

The K-12 Subcommittee met on Tuesday and took the following action.

Referred to Full Committee:

**HB 2428** - (Winningham ) allows all school board members to participate in group insurance.

Deferred 1 week:

**HB 2660** - (Briley)  
**HB 2976** - (Jones, U.)  
**HB 2978** - (Jones, U.)  
**HB 3126** - (Hagood)  
**HB 3523** - (McMillan - Turner, L.)  
**HB 2628** - (Black)  
**HB 2136** - (Cridler)  
**HB 2607** - (Winningham)  
**HB 2759** - (Towns)  
**HB 2818** - (Turner, L.)  
**HB 2819** - (Turner, L.)  
**HB 2979** - (Towns)  
**HB 3341** - (Maddox)  
**HB 2409** - (Winningham)  
**HB 2422** - (Kernell)  
**HB 2854** - (Winningham)  
**HB 3261** - (Winningham)  
**HB 2615** - (DuBois)  
**HB 1302** - (Hackworth)  
**HB 2783** - (Fowlkes)

Deferred to last calendar:

**HB 2937** - (Rinks)

Taken off notice:  
**HB 252** - (Stanley)

### **Higher Ed Subcommittee**

At its Tuesday meeting, the Subcommittee acted on one item of legislation.

Referred to Full Committee:

**HB 2586** - (Hagood) adds two (2) faculty members to the Tennessee Higher Education Commission. One member will be selected from the UT system and one from TBR. Voting by these members will rotate between the two as is presently done by the student representatives on THEC.

Deferred 2 weeks:

**HB 3317** - (Curtiss)

**HB 3318** - (Curtiss)

## **Finance, Ways & Means**

Julie Travis

### **House Finance, Ways, and Means Committee**

The full committee met on Tuesday to discuss 16 bills on the full committee's Regular and "Consent" calendars. Only one bill, **HB 2191**, (**Walker**) was on the Consent Calendar and was referred to Calendar and Rules.

The committee took up the first four bills on the Regular Calendar during the time allotted for the committee to meet. **HB 3176** (**McMillan**) was deferred for one week.

The following bills were **referred to Calendar and Rules Committee**:

**HB 3038 (Head)** - This bill changes the Code, replacing references to the word "lunatics" with references to "severely and persistently mentally ill persons" in the section related to property assessment.

**HB 2172 (M. Turner)** - This bill clarifies that upon transfer of tax exempt property, both the transferor and transferee shall report to the assessor of property a change in use or ownership that renders the property taxable. The transferee shall be personally liable for taxes, penalty and interest from the date of transfer to the date of notification of the assessor.

**HB 3289 (Head)** - This bill, as amended by the committee, further clarifies the definition of real property, showing the legislative intent that "all pipes and conduits used for wire, cables and lines buried underground," except for those used under a franchise license's tax authority (*i.e., those underground conduits and enclosures for wire, cables, lines and similar facilities owned, leased, or used to provide services pursuant to the terms and authority of a cable television franchise license*), have always been intended to be treated as real property for tax purposes. It also specifies that boats temporarily connected with utility service or floating dry-dock equipment or boatlifts would not be included in the definition of real property. Finally, this amendment changes the effective date section to make the bill effective upon becoming law and shall apply to tax year 2004 and thereafter and to any claims for prior years that have not been finally adjudicated by the State Board of Equalization as of the effective date. It would not change the classification of any radio or television broadcast property that was assessed as tangible personal property for tax year 2003.

*The committee adjourned after the allotted time prior to the calendar's completion. The remaining bills on the calendar that the committee did not address were all deferred to next Tuesday's full committee meeting.*

### **Budget Subcommittee**

The Budget Subcommittee of the House Finance, Ways, and Means Committee met to discuss 41 bills on the regular subcommittee calendar this week.

#### **Actions of the Budget Subcommittee are as follows:**

Action on the following bills was deferred for one week:

**HB 2634 (Crider)**, **HB 2629 (Buttry)**, **HB 2302 (Rowland)**, **HB 2519 (M. Turner)**, **HB 2271 (J. DeBerry)**, **HB 3457 (McMillan)**, **HB 226 (Hackworth)**, and **HB 3539 (McMillan/Fitzhugh)**.

The Subcommittee first amended and then deferred action on **HB 3480 (McMillan)**, and **HB 3288 (Head)** for one week. On **HB 3544 (McMillan/L. Miller)**, the subcommittee withdrew the first two Budget Subcommittee amendments previously placed on the bill and adopted a new Budget Subcommittee amendment #1 and rolled the bill one week.

**HB 2510 (L. Miller)**, **HB 3468 (McMillan)**, **HB 2973 (Bowers)**, and **HB 2353 (Overbey)** were deferred for two weeks.



Action on **HB 3028 (Head)** was deferred for three weeks.

Bills that were placed behind the budget include **HB 757 (Hargrove)**, **HB 253 (Stanley)**, and **HB 1737 (Maddox)**.

**HB 3532 (McMillan)** was taken off notice.

*The remaining bills on the calendar that the committee did not address (HB 2502, Langster; HB 2322, Hargett; HB 3134, Armstrong; and HB 1474, Briley) were all deferred to next Wednesday's Budget Subcommittee Calendar.*

**The following bills were referred to the full Finance, Ways, and Means Committee:**

**HB 3229 (West)** -- As amended in Health and Human Resources, this bill rewrites the current anti-rabies statute that was enacted in 1953. It provides statutory authority to current policies and practices already being provided by the Department of Health and provides definitions and enforcement actions that are consistent with current practices. Furthermore, the bill allows local governments to implement and charge fees for animal registration.

**HB 2553 (Baird)** -- This bill provides for a special allocation of the state sales tax to property owned by the Tennessee Valley Authority over which an easement has been given to the state of Tennessee and the state has leased its rights to a county for development. As amended in Budget Subcommittee, local government, Campbell County, would pay the one-time cost of \$8,250 for the software changes necessary with the implementation of the bill.

**HB 2400 (Hargrove)** -- As amended in Commerce, this amendment rewrites the bill to exempt those licensed as a broker or affiliate broker under the Tennessee Real Estate Broker License Act from the provisions of the "Do Not Call" law, so long as they are soliciting within the scope of their licenses.

**HB 2744 (Fitzhugh)** -- This is the omnibus bill from the Council on Pensions and Insurance that clarifies compensation language, political subdivisions, and makes several technical changes within the law. It amends the retirement law by making various changes to TCRS relative to those provisions governing the servicing of the system and certain re-employment provisions.

**HB 3415 (Curtiss)** -- This bill requires any nursing home without a sprinkler system to provide a smoke alarm in each patient's room within 90 days. The smoke alarm may be a single station alarm or a series of smoke detectors connected together at a central alarm panel. The same nursing homes must submit a plan to install such a system to the Department of Health. This bill provides that facilities with more than one floor must submit plans within six months, and ground floor-only facilities must submit plans no later than 11 months from the effective date of the legislation. Facilities may choose to completely replace the existing facility with a new structure and must submit a letter of intent to replace the facility along with estimates of the completion date. Failure to comply with these requirements would be grounds for discipline or licensure action. The bill will take effect upon becoming law. Funding for this bill will be reflected in the Administration's Appropriation Amendment, as referenced in the March 19 memorandum from F&A Commissioner Goetz.

**HB 2651 (Brooks (Shelby))** -- As amended in Judiciary, this bill creates a pilot project for the Tennessee Highway Patrol to participate in a racial profiling study. The comptroller would provide a form to be used by highway patrolmen when traffic stops occur. The highway patrol would submit this data to the comptroller on a monthly basis, beginning no later than February 1, 2005. The comptroller would report the results of the pilot project to the Governor and General Assembly no later than April 1, 2006. The pilot project would be in effect until July 1, 2006. The Comptroller's Office indicates that the cost of forms and any staffing needs can be absorbed within their budget by re-allocating the necessary resources to carry out the purposes of the bill.

**HB 2600 (Tindell)** -- This bill, as amended in State and Local Government, allows industrial development corporations to prepare economic impact plans and permit property tax revenue to be used for improvement of projects of such corporations or industrial parks. It clarifies that taxes that would have been payable to a city, town or county that is not the municipality that created the industrial development corporation shall not be paid to the corporation unless the city, town, or county has also approved the economic impact plan.

**HB 2343 (Ferguson/Overbey)** -- As amended in Judiciary, this bill establishes the "Elder Protection Act of 2004," which will provide standards for detaining individuals who are charged with elder abuse. Issues related to financial institutions that act as trustees are

also addressed within the bill as amended, and doctor offices, health care facilities, senior centers, community centers, and pharmacies are required to post contact information for reporting elder abuse, neglect, or exploitation.

**HB 3406 (Hargrove)** -- As amended in Commerce, this bill establishes the “Assistive Telecommunications Device Distribution Program Renovation Act” and makes the program originally created for the deaf now also for the disabled. The legislative intent is defined within the amended bill, stating “It is the legislative intent that such program be designed with consideration of fair distribution of equipment that is technologically available and economically feasible to be provided to assist individuals with any disability using the basic telephone network.”

**HB 3451 (McMillan)** -- This bill repeals current law requiring the Registry of Election Finance or the county election commission, whichever is applicable, to send notifications to candidates when a person inspects such candidate’s campaign finance statements. The bill also repeals the requirements for identification verification of those persons requesting to see such documents.

**HB 3453 (McMillan)** -- As amended in Judiciary, this bill allows payments from the Criminal Injury Compensation Fund to certain family members of victims for unreimbursed or unreimbursable mental health counseling or treatment up to \$3,500. The amended bill clarifies that a relative of a victim would be compensated for mental health counseling by the criminal injuries compensation fund. It also specifies the situations in which a family member would be compensated for mental health counseling by referencing certain sections of the Code. The effective date is changed so that the provisions of this bill would become effective on July 1, 2004, and would also apply to all claims for compensation filed on or after July 1, 2004.

**HB 3459 (McMillan)** -- This bill provides for community development agencies in Montgomery County to be considered as housing authorities and have the powers outlined for such authorities with regards to redevelopment.

**HB 2883 (S. Jones)** -- This bill, as amended, enacts the Calling-for-2-1-1 Act, which authorizes the Tennessee Regulatory Authority to grant, on a one-time basis, \$400,000 from the Public Utilities Account for start-up costs, to establish a 2-1-1 Collaborative for the State of Tennessee for the purpose of creating a statewide 2-1-1 service network and submit grant requests to the federal

government for funding. The 2-1-1 network would provide information and referral to citizens on services provided through human services agencies and programs to assist in helping individuals and families navigate the complex maze of human service agencies and programs, including community-based and faith-based organizations and governmental agencies.

**HB 2366 (Bowers)** -- This bill authorizes the Shelby County Commission to designate a division of the county’s general sessions court as the mental health court, granted with the power to hear cases involving petitions filed under Title 33 (Mental Health Law) and mental health commitments. This bill specifies that such court shall strive to identify and provide treatment and services to the mentally ill, developmentally disabled or dually diagnosed or persons with a history of alcohol or drug abuse, provide a single point of contact, and provide case management, forensic alternative community treatment and community-based services.

**HB 3519 (McMillan/Harmon)** -- This bill authorizes the commissioner of the Department of Safety to require payment of international fuel taxes by cash, money order, certified check, or cashier's check. Currently, this may be done only in instances where the permittee or licensee has had two checks dishonored in one calendar year.

**HB 883 (Bowers)** -- As amended in Consumer and Employee Affairs, this bill urges the Prevailing Wage Commission to continue its efforts to develop an internet application for the submission of survey forms by contractors and periodically update the General Assembly on the developmental progress.

**HB 2601 (Godsey)** -- As amended in Transportation, this bill allows any motor vehicle officer investigating a motor vehicle accident to have the parties involved exchange insurance information.

## **Government Operations**

*Kristina Ryan*

The Government Operations Committee met on Tuesday morning to consider fifteen pieces of legislation. **HB 2881** (Ferguson), **HB 2873** (Shepard), **HB 2679** (Kernell) and **HB 972** (Hargett) were taken off notice. **HB 2721** (J. DeBerry), **HB 2531** (Sargent) and **HB 2713** (Hargett) were all rolled for two weeks, and **HB 3032** (Brown) was rolled for one week.

**HB 1149** by Representative John DeBerry was reviewed and referred to the Health and Human Resources Committee. This legislation would authorize the Commissioner of Health to appoint an advisory board to review complaints related to the operations of the health-related boards. An amendment that rewrites the bill was discussed that relates to massage therapists but will be considered for adoption in the Health and Human Resources Committee.

The committee reviewed and referred **HB 3361** by Representative Curtiss to the Commerce Committee. Under this bill, a 13 member Tennessee Health Insurance Mandated Benefits Review Council would be created to study and report on legally mandated health benefits and their impact on insurance premiums. An amendment that makes the bill would require that all legislation mandating health insurance coverage shall be referred to the Fiscal Review Committee to evaluate the impact of legislation regarding health insurance premiums. The fiscal impact of this amendment would not be a significant increase in state expenditures.

**HB 3498** by Representative Briley was reviewed and referred to the Conservation and Environment Committee. This administration bill would expand the current requirements regarding motor vehicle emissions to be more in sync with federal emissions standards. The committee voted to send a report to the Conservation and Environment Committee that states the Government Operations Committee only reviewed the rulemaking provisions in the bill and not the bill in its entirety.

**HB 3383** by Representatives Marrero and Kernell was reviewed and referred to the Conservation and Environment Committee. This legislation alters the boundaries of the Lucius E. Burch, Jr., Natural Area in Shelby Farms Forest Park in Shelby County. The bill would give the Department of Environment and Conservation the rulemaking authority to put into place a mechanism for the public to have an opportunity to comment on any alterations or additions to any Class I or Class II area. Rulemaking is slated to be cleared by a sponsor amendment in Conservation and Environment Committee.

#### **Sunset Extensions**

**HB 2452** (Kernell) - Child Care Advisory Panel - Re-authorized to June 30, 2008.

**HB 2463** (Kernell) - Department of Children's Services - Re-authorized to June 30, 2006.

**HB 2500** (Kernell) - Department of Health - Re-authorized to June 30, 2008.

- **The Agriculture and Natural Resources subcommittee of Joint Government Operations will hold its audit hearing of the Department of Agriculture on Monday, March 29, at 2:00 p.m. in LP31.**

## **Health & Human Resources**

*Judy Narramore*

### **Full Committee**

The **Health & Human Resources Committee** met at noon on Tuesday, March 23, 2004, to consider 21 pieces of legislation. The scheduled presentation by the Department of Health child fatality team was postponed to a future meeting.

Seven bills were referred to C&R. **HB 2708** by Rep. Cochran as amended authorizes the Medical Laboratory Board to create continuing education requirements for medical laboratory personnel and special analysts. The amendment states the continuing education requirements will not exceed 25 hours per year. **HB 3303** by Rep. Black restricts use of the title *nurse* to persons licensed as a registered nurse or licensed practical nurse. **HB 1751** by Rep. Maddox as amended expands the exemptions to the nurse practice act to allow unlicensed, trained persons to assist persons with developmental disabilities or mental retardation with self-administration of non-injectable medications in facilities under contract with the Department of Mental Health & Developmental Disabilities, Department of Finance & Administration, or Division of Mental Retardation Services. **HB 2515** by Rep. Pinion as amended authorizes *radiology assistants* to practice under the supervision of a radiologist. The Board of Medical Examiners is authorized to define a scope of practice and promulgate rules to establish educational requirements for radiology assistants. A radiology assistant must be a certified radiology technologist and by July 1, 2007, must complete an advanced academic program and obtain a baccalaureate degree. **HB 2323** by Rep. Brown extends the pilot program to reimburse residential homes for the aged by authorizing the Board for Licensing Health Care Facilities to make reimbursements in Hamilton County. **HB 3489** by Rep. McMillan and Rep. Shepard amends the Dental Practice Act to allow public health nurses or nurse practitioners to apply fluoride varnish to the teeth of at-risk underserved persons seen in public health clinics. **HB 3347** by Rep. L. DeBerry requires the Department of Mental Health & Developmental Disabilities Statewide Planning and Policy Council to assess the impact of the *Olmstead v. L.C.* decision of the U. S. Supreme Court on the services offered and regulated by the Department.

Three bills were referred to FW&M. **HB 3302** by Rep. Black as amended prohibits any person not licensed as a physician, osteopathic physician, or oral-maxillofacial surgeon from performing "tongue splitting." A first violation would be a Class A misdemeanor and a second or subsequent violation would be a Class E felony. **HB 3088** by Rep. Maddox authorizes the Commissioner of Mental Health & Developmental Disabilities to create and administer a pool of funds to be used to make special payments to service providers outside the capitation payments made by TennCare Behavioral Health Organizations. The bill is subject to funding in the General Appropriations Act. **HB 3471** by Rep. L. Miller reduces the annual license fee for residential homes for the aged with five or fewer beds from \$600 to \$200.

Rep. Cooper discussed **HB 2656** that concerns documentation of the need for vision and dental screenings for children and exempts certain persons approved by the Board of Dentistry from the licensure requirements for dentists and dental hygienists. The bill was deferred one week for consideration of an amendment that Rep. Cooper offered today that would require the health care professional to inform the parent of the need to seek appropriate screenings for their children. Rep. J. DeBerry discussed **HB 3516** that makes several housekeeping changes in Title 33 concerning job title terminology, *caregivers*, treatment review committee authority, and the conflict resolution process. The bill was deferred one week for consideration of an amendment that Rep. DeBerry offered today that would correct a typographical error in the code reference in Section 7 and clarify the Department's responsibility to perform background checks on employees and volunteers. **HB 3344** by Rep. Armstrong was **rolled two weeks**. The remaining legislation on calendar was **rolled one week**: **HB 2249** by Rep. Curtiss, **HB 2350** by Rep. Briley, **HB 3515** by Rep. McMillan, Rep. Fowlkes, **HB 2528** by Rep. Sharp, **HB 3449** by Rep. McMillan, **HB 1169** by Rep. Towns, **HB 1171** by Rep. Towns, and **HJR 0792** by Rep. Pruitt.

### **Mental Health Subcommittee**

The **Mental Health Subcommittee** is **closed** subject to the call of the chair.

### **Professional Occupations Subcommittee**

The **Professional Occupations Subcommittee** met Wednesday morning, March 24, 2004, to consider eight bills. Rep. McCord took **HB 1906** off notice. Rep. Bunch discussed a draft copy of an amendment to **HB 2737** concerning disclosure by physicians that refer patients to facilities in which they have a financial interest. The draft amendment requires physicians and health care entities to disclose a physician's financial interest using signs and written notice to every patient at each visit, authorizes the Board of Medical Examiners and all boards regulating health care entities assigned to the Department of Health to impose sanctions and civil penalties for willful violation of the public and/or written

disclosure, and provides for a cause of action under the Tennessee Consumer Protection Act for violation of the disclosure requirements. The bill was deferred one week for further discussion and drafting of the amendment by legal services. Rep. Briley offered an amendment to **HB 3131** which requires physicians that use "up-charge" billing for laboratory services to disclose on the bill the name and address of the laboratory and the net amount paid/to be paid to the laboratory. The subcommittee stood in recess to hear opposition testimony on **HB 3131**, as well as testimony from the Board of Medical Examiners regarding its March 17, 2004, advisory ruling regarding "client billing." The subcommittee ran out of time expired while hearing testimony from the Board of Medical Examiners and, therefore, adjourned without taking action on **HB 3131**. The remaining five bills on calendar were **deferred one week**: **HB 3159**, **HB 2694**, **HB 3463**, **HB 3282**, and **HB 3346**.

### **Public Health & Family Assistance Subcommittee**

Wednesday morning, the **Public Health & Family Assistance Subcommittee** had 19 bills on calendar. Four bills were referred to full committee. **HB 3026** by Rep. Hargrove as amended expands the eligibility of certain hospitals to participate in the J-1 Visa program for specialty physicians, limits the number of specialty physicians that can be placed in urban areas to one-third of the total number of specialty slots, and allows any eligible hospital to apply for any specialty slots still available after June 30. **HB 3310** by Rep. Hagood as amended authorizes the EMS Board to waive any fees for non-profit organizations that provide air ambulance services for indigent patients. The amended bill requires such air ambulance organizations to operate under Federal Air Regulations and to use pilots with a commercial certificate with instrument rating. **HB 3488** by Rep. McMillan and Rep. Hargrove requires an applicant to pass the United States Medical Licensing Examination within seven years of completing whichever step of the exam was completed first. The Board of Medical Examiners would still be authorized to make exceptions to the timeframe under this bill. **HB 3500** by Rep. McMillan and Rep. L. DeBerry creates the Office of Minority Health in the Department of Health, specifies its responsibilities, and authorizes an advisory council.

**HB 3015** by Rep. West that requires all motor vehicles used by day care centers to transport children to be equipped with child safety alarms that emit a sound if a door to the vehicle is opened and a child remains inside was discussed and then taken off notice by the sponsor. Rep. Bowers rolled **HB 1781** two weeks. Rep. Pruitt rolled **HB 2756** and **HB 2757** to the last calendar. The following bills were **rolled one week**: **HB 1060**, **HB 1485**, **HB 1889**, **HB 2712**, **HB 3003**, **HB 3314**, and **HB 2193**. The remaining four bills on calendar were **taken off notice**: **HB 3533**, **HB 0975**, **HB 1926**, and **HB 3200**.

### **Health Care Facilities Subcommittee**

The **Health Care Facilities Subcommittee** held its **final meeting** Wednesday afternoon to consider 13 bills. Two bills were referred to full committee. **HB 1387** by Rep. McMillan as amended dissolves the State Health Planning and Advisory Board and transfers its functions to the Department of Finance & Administration, effective July 1, 2004. **HB 2949** by Rep. Overbey as amended requires nursing homes, assisted care living facilities, and residential homes for the aged to maintain evidence of liability insurance. The remaining bills on calendar were **taken off notice**: HB 1554, HB 3450, HB 1864, HB 1390, HB 0530, HB 0608, HB 1591, HB 2215, HB 2376, HB 3045, and HB 3248.

## **Judiciary**

*Paige Edwards*

### **Criminal Procedure & Practice Subcommittee**

On Tuesday, the **Criminal Procedure & Practice Subcommittee** met to consider 12 bills. The following 11 bills were rolled for one week: HB 2653 by Representative Cooper, HB 3398 by Representative Newton, HB 3454 by Representative McMillan, HB 2650 by Representative Fowlkes, HB 2961 by Representative Lynn, HB 2405 by Representative Mumpower, HB 2715 by Representative Hargett, HB 2734 by Representative Bunch, HB 3186 by Representative Rinks, HB 3458 by Representative McMillan, and HB 3332 by Representative Bowers.

The subcommittee referred HB 166 by Representative Harwell to the full committee. HB 166 states that the implied consent law authorizes law enforcement to request an additional test for the purpose of determining the drug content of a person's blood. Under present law, a person who drives a motor vehicle in Tennessee is subject to a BAC test when a law enforcement officer has reasonable grounds to believe that such person is driving under the influence of drugs or alcohol. When HB 166 is considered in the full committee, an amendment will accompany the bill.

### **Constitutional Protections Subcommittee**

On Tuesday, the **Constitutional Protections Subcommittee** met to consider 16 bills. HB 2832 by Representative Todd received a tie vote and will remain in the subcommittee. HB 2898 by Representative Casada, HB 2780 by Representative Todd, HB 3395 by Representative Shepard, and HJR 955 by Representative Rinks were taken off notice. HB 2170 by Representative

Turner (Davidson), HB 2208 by Representative Brooks (Knox), HB 2852 by Representative Winningham, HB 3232 by Representative McKee, HB 3324 by Representative McCord, HB 3294 by Representative Harwell, and HB 1710 by Representative Hargett were rolled for one week.

The following four bills were approved for passage and referred to the full committee:

- **HB 3481** by Representative Turner (Hamilton) authorizes the Department of Commerce and Insurance to query the TBI's criminal history records system in order to obtain criminal history information relative to issuing licenses, permits, and registrations. Also, this information would be used for the investigation of consumer complaints.
- **HB 3467** by Representative Coleman creates the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004." This bill is a comprehensive revision of the law relating to sexual offenders. Specifically, this bill establishes registration procedures for sexual offenders who decide to reside in Tennessee or another state. This bill shall take effect August 1, 2004. The provisions of this bill that apply to the TBI, including designing, printing, and distributing the registration and other forms and promulgating rules, shall take effect upon becoming law.
- **HB 3182** by Representative Briley creates the "Tennessee Serious and Violent Sex Offender Monitoring Act." This bill authorizes the commissioner of Correction and the Board of Probation to jointly establish a serious and violent sexual offender monitoring program within the Department of Corrections. This bill creates a sexual offender monitoring program fund, and \$5,000,000.00 would be appropriated to the fund. Under this bill, by August 1, 2004, rules, guidelines, and procedures would be developed for the continuous satellite-based monitoring of serious and violent sexual offenders. On or before March 1, 2005, the Department of Commerce and Insurance would report information regarding implementation, standardized procedures, and results of the programs created by this act to the House and Senate Judiciary committees.

**HB 2311** by Representative Langster amends the law relating to witnesses who testify during OSHA investigations. This bill adds that a witness's name, job title, and other identifying information would be confidential. Also, this bill provides a 30-day period for an agency or department to contest a written notification

from the commissioner of Labor and Workforce Development indicating noncompliance with state law. Under present law, an agency or department is given 20 days to contest the written notification.

### **Judicial Administration Subcommittee**

On Tuesday, the **Judicial Administration Subcommittee** met to consider 12 bills. HB 2199 by Representative Sontany was taken off notice. HB 3423 by Representative Fowlkes, HB 3034 by Representative Brown, HB 3113 by Representative Brown, HB 1924 by Representative Bunch, HB 2742 by Representative Bunch, HB 2730 by Representative Bunch, and HB 2736 by Representative Bunch were rolled for one week.

The following four bills were approved for passage and referred to the full committee:

- **HB 2925** by Representative Todd increases fees charged by a sheriff for service of process, collections, arrests, transportation of prisoners, and bail bonds. Also, this bill raises the fees for returning, transporting, storing, or establishing possession of property. The provisions of this bill would apply statewide.
- **HB 3514** by Representative Marrero, as amended, authorizes the use of audio-visual technology during proceedings that involve persons with mental illness. Under this bill, pleadings and certificates of need for care and treatment could be delivered by telefax transmission.
- **HB 3541** by Representative Sontany requires that all guardian ad litem receive training prior to appearing on a child's behalf in a juvenile court proceeding. Also, this bill clarifies the training requirements for nonlawyer special advocates.

**HB 3394** by Representative Shepard requires law enforcement officers who are employed or assigned to a judicial district drug task force to meet the minimum certification requirements of the POST commission. These officers would not be entitled to receive a police pay supplement for the certification.

### **Civil Procedure & Practice Subcommittee**

On Wednesday, the **Civil Procedure & Practice Subcommittee** met to consider 27 bills. The following three bills were approved for passage and referred to the full committee:

- **HB 2612** by Representative DuBois creates the "Good Samaritan Volunteer Firefighters' Assistance Act." A person, corporation, business, charity organization, or government agency that acts reasonably and in good faith would not be subject to civil liability for any personal injury, property damage, or death proximately caused by a defect in equipment donated to a volunteer fire department. However, liability would be imposed when the donor's act or omission constitutes malice, gross negligence, recklessness, or intentional misconduct. Furthermore, liability would be imposed when the donor is the manufacturer of the equipment or when the donor modified or altered the equipment after it has been recertified by an authorized technician. This bill aims to encourage donations from businesses and corporations for volunteer fire departments. This bill received a favorable recommendation from the **Joint Ad Hoc Committee on Issues Involving Alcohol & Citizen Responsibility**.
- **HB 3009** by Representative Clem, as amended, imposes a statute of limitations for collecting late payments or refunding overpayments for municipal utilities. Under this bill, a municipality would have three years from the date payment was first due to collect late payments or submit refunds.
- **HB 3536** by Representative Bowers relates to the confidentiality of medical records. This bill clarifies that medical records shall be available for inspection upon presentment of a signed release. Also, this bill authorizes a licensed healthcare professional to obtain medical records in order to investigate a complaint or conduct a survey. The provisions of this bill would not apply to records that are made statutorily privileged.

HB 1446 by Representative Cochran, HB 2201 by Representative Shaw, and HB 2911 by Representative West were taken off notice. The remaining bills on the calendar were rolled for one week.

Note: Next week, the **Civil Procedure & Practice Subcommittee** will review the report submitted by the tort reform study committee. The subcommittee will consider tort reform legislation the following week.

### **The Full Judiciary Committee**

On Wednesday, the full **Judiciary Committee** met to consider 58 bills, 43 of which were rolled for one week.

The following eight bills were approved for passage and referred to **Calendar & Rules**:

- **HB 2888** by Representative Todd deletes Title 4, Chapter 41 in the code relating to the Tennessee Victims' Coalition that ceased operation on June 30, 2003. Also, this bill transfers responsibilities to the Victims of Crime State Coordinating Council.
- **HB 3528** by Representative West, as amended, authorizes the Department of Safety to commission Homeland Security officers as peace officers for the Office of Homeland Security. Officers who directly support state, federal, and local law enforcement activities involved in countering or responding to terrorist acts would be eligible for the commission. The commissioned officers would obtain all the powers of a peace officer, including the power to make arrests, serve process, and carry weapons. When the Officer of Homeland Security no longer requires the services of the commissioned officers, it shall file a notice with the Department of Safety to cease and terminate the powers of such officers.
- **HB 743** by Representative Fowlkes, as amended, establishes the Uniform Trust Code. This bill rewrites the law relating to trusts and consolidates the trust provisions into one section of the code. This bill comprises the recommendations made by a joint committee that evaluated the present law. Many of the changes that are proposed in the bill are referenced in the Restatement of Trusts. Thirty states have enacted similar legislation.
- **HB 1219** by Representative Turner (Davidson) provides that any false allegation of misconduct against a police officer would be punishable as a misdemeanor offense. Also, this bill provides that any false civil claim against a police officer or false lien against a police officer's property would be punishable as a misdemeanor. To be found guilty of either of these offenses, it must be shown that the complainant knowingly intended to report false information against the police officer. Also, this bill provides an advisory for complainants to sign when allegations of misconduct against a police officer are reported.
- **HB 2661** by Representative Briley revises the law for pawnbroker transactions. Under this bill, a pawnbroker must record a complete and accurate description of the pledged goods, including the brand name, model number, serial number, size, color, precious metal type, gemstone description, and any other unique identifying information. When firearms are pawned, the description shall include the type of action, caliber or gauge, number of barrels, barrel length, and finish.

- **HB 2711** by Representative Cochran requires that the body or remains of a dead human be delivered to the next of kin as soon as practicable after the county or state medical examiner completes the autopsy or pathology examination.
- **HB 3147** by Representative Johnson (Loudon), as amended, includes additional documents that may be registered with the county register. Affidavits of scrivener's error or any other affidavits in furtherance of identification and title of land could be registered.
- **HB 2751** by Representative McDonald revises the law regarding equine activities. This bill redefines the terms "engages in an equine activity" and "equine activity" for the purpose of determining immunity from liability.

The following seven bills were approved for passage and referred to **Finance, Ways, & Means**:

- **HB 3320** by Representative Curtiss imposes criminal and civil penalties associated with the injury or death of a guide dog. Also, economic damages may be recovered to recoup the losses sustained by the injury or death of the guide dog and would include the cost of the guide dog as well as the cost of any specialized training the guide dog received.
- **HB 2565** by Representative Winningham, as amended, authorizes local governments to levy an additional litigation tax for cases heard before the local general sessions, juvenile, or municipal courts. The revenue generated from the tax would be used exclusively in the public school system for drug testing programs.
- **HB 2263** by Representative Cooper, as amended, states that court clerks have five years to collect on bail bond judgments. Under present law, other judgments are valid for ten years after execution.
- **HB 2659** by Representative Briley authorizes the electronic submission of final dispositions for criminal cases to the TBI. Jurisdictions that submit final disposition reports electronically will not use R-84 Disposition Cards.
- **HB 76** by Representative Buck, as amended, increases the salaries for assistant public defenders. Under this bill, entry level salaries would increase to \$38,124.00. Also, this bill increases the salaries of assistant public defenders for every year of experience in the position. The amendment to this bill aligns the assistant public defenders' salaries with the proposed legislation to increase the salaries for assistant district attorneys general.

- **HB 131** by Representative Buck increases the number of assistant public defender positions for each judicial district. The additional positions are supported by the weighted caseload study.

**HJR 861** by Representative Brooks (Shelby), as amended, urges all law enforcement agencies in Tennessee to conduct racial profiling studies and to provide anti-racial profiling training.

### **Joint Ad Hoc Committee on Methamphetamines & Related Offenses**

On Monday, the joint ad hoc committee on methamphetamines and related offenses met to consider legislation. The committee decided that the administration should implement a task force to evaluate the problems associated with the production and use of methamphetamines. Chairman Cohen stated that the task force should provide the General Assembly with a report next year with recommendations and funding.

Also, the committee recommended HB 2385 by Representative Curtiss, as amended, for passage. If HB 2385 were amended, the proposed amendment would rewrite the bill. The proposed amendment authorizes law enforcement to post a written warning giving notice that property was used for the manufacture of methamphetamines and is a hazardous substance site. When such property is declared to be a hazardous substance site, restrictions would be placed upon the property. The restrictions would be removed when the owner successfully cleans the property. The Department of Health submitted the proposed amendment. The proposed amendment will be less expensive than other proposals that have been drafted.

The committee briefly considered HB 3445 by Representative Curtiss and HB 2812 by Representative Matheny. Neither bill received a favorable recommendation.

## **State & Local Government**

*Lawrence Hall, Jr.*

### **The Full Committee**

This week in State and Local Government full committee, the committee convened and adjourned until next week without hearing any bills. All bills were rolled to next week's calendar.

### **State Government Subcommittee**

State Government subcommittee passed only one bill to full committee this week, HB 3521, by Rep. Miller. This bill will require the commissioner of General Services to report to the governor and all members of the general assembly the number of solicitations, bids, and dollar amounts of government purchases that have been awarded to all businesses, rather than only the small and minority-owned businesses. All other bills were rolled to next week's calendar.

### **Local Government Subcommittee**

Local Government subcommittee passed HB 2276, by Rep. Brooks (Knox). This bill will prohibit sinkhole disposal of solid waste on private land and impose a fine of \$1,000-\$10,000 for violating such law. All other bills were rolled until next week.

The Elections Subcommittee is closed.

## **Transportation**

*Greg E. Adkins*

### **Full Committee**

The **full Transportation Committee** met on Wednesday, March 24, 2004, and considered fourteen bills. **HB 3373** by Rep. Vaughn passed to FW&M as amended. The amended bill would authorize the issuance of emergency special license plates to physicians. The amendment specifically makes the bill revenue neutral by charging a fee for the plates. **HB 3224** by Rep. Pinion passed to C&R. The bill would authorize landscaping nurseries to be eligible for the reduced registration tax discount charged for farm and logging vehicles. **HB 2527** by Rep. Sharp passed to C&R. The bill authorizes one-panel specific service signs for gas and camping at Exit 1 on I-24 and 75 in Hamilton County. **HB 3508** by Rep. McMillan & Rep. Brown passed to FW&M as amended. The amended bill authorizes TDOT to conduct studies to determine whether any group consisting of socially and economically disadvantaged individuals as defined by the federal government are underutilized on state funded construction projects. The amended bill also authorizes the Department to create and implement a surety bond guarantee program for small businesses to act as



subcontractors. Annually, the Commissioner of TDOT shall report in writing the progress of the program to the Speaker of the House and Senate, the Governor, and the House and Senate Transportation Committees. **HB 3509** by Rep. McMillan & Rep. Fraley passed to C&R. The bill allows Highway Response Operators and Communications Dispatchers to be exempt from the mandatory compensatory time provisions that apply to most state employees. **HB 3537** by Rep. McMillan & Rep. Pinion passed to FW&M as amended. The amended bill revises the procedures required of TDOT for closing highway and bridge construction contracts to conform to changes in federal law concerning the retainage by state governments from contractors. Currently, TDOT retains back 3.5 percent of all earnings on construction projects; this bill conforms to new federal law and deletes that requirement. **HB 3492** by Rep. McMillan & Rep. Cobb passed to FW&M as amended. The amended bill grants the Commissioner of TDOT emergency contracting authority in the event of a transportation system failure or other emergency that presents a hazard to the traveling public. Basically, the bid letting process would be waived in reference to advertisement, time periods, and notice. The amendment requires TDOT to file with the Fiscal Review Committee of the General Assembly the documentation for the emergency bid. **HB 2552** by Rep. Vincent was rolled one week. The bill authorizes the "KAKUS (Michael Appleby Keeping Us Safe) Buckle Up! Drive Safely!" new specialty earmarked license plate. **HB 2710** by Rep. Cochran was rolled one week. The bill makes evading a stoplight/stop sign by driving onto or across public or private property an offense punishable by a fine up to \$50.

The following specialty license plate bills passed to FW&M:

1. **HB 814** by Rep. Pinion--as amended, the bill authorizes the "Stop Elder Abuse" new specialty earmarked license plate.
2. **HB 3187** by Rep. Bowers--"Regional Medical Center at Memphis" new specialty earmarked license plate.

The following highway sign bills were rolled one week:

1. **HB 3128** by Rep. Windle--"John Douglas Ward Memorial Bridge" sign on S.R. 62 in Morgan County.
2. **HB 3180** by Rep. Fowlkes--"Lawton Tarpley Bridge" sign on U.S. 31-A in Marshall County.
3. **HJR 930** by Rep. Fowlkes--"William Morris 'Doc' Oliver" sign on Highway 31 in Giles County.

#### **Public Safety & Rural Roads Subcommittee**

The **Public Safety & Rural Roads Subcommittee** met on Tuesday, March 23, 2004, and considered thirteen bills. **HB 3438** by Rep. Brooks (Knox) failed for a lack of a majority vote. The bill would have prohibited motor vehicle windshield wipers from having lights or reflectors. **HB 3298** by Rep. Turner (Hamilton) passed to full committee as amended. The amended bill would make it permissive for a incorporated municipality to determine weather an automobile should be allowed to park within 7.5 feet to 15 feet of a fire hydrant. **HB 2841** by Rep. Maddox failed for lack of a second. The bill would prohibit operation of remote controlled trains outside the railroad switchyard.

The following bills were rolled one week: (1) **HB 3160** by Rep. Rinks, (2) **HB 3154** by Rep. DuBois, (3) **HB 2588** by Rep. Kernell, (4) **HB 604** by Rep. DeBerry (John), and (5) **HB 3104** by Rep. Hood.

**HB 2231** by Rep. McDonald and **HB 2919** by Rep. West were taken off notice.

**HB 3281** by Rep. Odom and **HB 557** by Rep. Jones (Shelby) were rolled to the last subcommittee calendar.

**HB 2184** by Rep. Dunn was withdrawn (prohibits dog from riding in the back of a truck without being restrained).

#### **Public Transportation & Highways Subcommittee**

The **Public Transportation & Highways Subcommittee** met on Wednesday, March 24, 2004, and considered fourteen bills. **HJR 895** by Rep. Cooper B. passed to full committee as amended. The amended resolution urges the commissioner of TDOT to study the policies toward the disabled on mass transit systems. **HB 2893** by Rep. Hensley passed to full committee. The bill authorizes "The Elephant Sanctuary in Tennessee" new specialty earmarked license plate.

The following highway sign bills passed to full committee:

1. **HJR 926** by Rep. Rinks--"Leon 'Pete' Turnbow Memorial Bridge" sign on S.R. 69 in Hardin County.
2. **HB 3267** by Rep. Cochran--the amended bill authorizes the "Dr. Herbert 'Booney' Bance, Jr. Memorial Bridge" sign on S. R. 381 in Washington County.
3. **HJR 957** by Rep. Clem--"Arnold A. Stulce Interchange" highway sign on U.S. Highway 27 at Harrison Lane.

4. **HB 2896** by Rep. Hensley--as amended to mandate local funding--"Fred Thompson Boulevard" on U.S. Highway 43 within City of Lawrenceburg.
5. **HB 2959** by Rep. Lynn--"Sergeant Jerry Mundy and Deputy John Musice Memorial Interchange" on I-40 in Wilson County.

The following bills were rolled one week: (1) **HB 2928** by Rep. Rinks, (2) **HB 2784** by Rep. Windle, (3) **HB 2370** by Rep. Vincent, (4) **HB 3077** by Rep. Ferguson, (5) **HB 2269** by Rep. Bone (an amendment was added to name all of S.R. 840 the Tennessee National Guard Parkway), (6) **HB 2697** by Rep. Kent, and (7) **HB 3412** by Rep. Hargrove.

**HB 3534** by Rep. McMillan was rolled to the last subcommittee calendar.

**HB 2375** by Rep. Patton and **HB 2808** by Rep. Rowland were taken off notice.

**Summaries of TennCare and  
TennCare Oversight Budget  
Hearings will be in next week's  
*Review*.**

**Turn the page for summaries of  
other budget hearings held this  
week...**



## ***Budget Hearings***



### **Commission on Aging**

*Kristina Ryan*

*Research Analyst, Government Operations*

The Commission on Aging and Disability presented its Fiscal Year 2004-05 budget to the Finance, Ways and Means Committee on Thursday, March 18. Executive Director James Whaley made the presentation on behalf of the agency. Created 40 years ago, the commission's activities were predominantly geared towards older Tennesseans. However, three years ago, the commission's responsibilities were expanded to include home and community based long-term care services for adults with disabilities. In 2003, the commission assisted 121,000 Tennesseans through 200 local provider agencies.

The total budget for this fiscal year is **\$34,000,000**. Of this amount, **\$8,300,000** derives from state funds. The commission receives the bulk of its funding from federal sources, including the U.S. Administration on Aging, the Centers for Medicare and Medicaid Services, and an interdepartmental transfer from the Bureau of TennCare.

The budget includes a 2.75 percent reduction in state funds. These items were taken from administrative costs. No service funds were reduced, and there were no improvements included in the budget.

The reductions include:

- Reduction in the amount of purchased training
- Reduction in payroll equity funds
- Elimination of one supervisory position
- Realignment of the budget to available federal funds

Net Reduction of state funds - **\$ 234,900**

### **Department of Children's Services**

*Shannon Romain*

*Research Analyst, Children and Family Affairs*

Last week, Commissioner Viola Miller continued her report on the Department of Children's Services. The originally scheduled hearing was unexpectedly ended in the wake of events at the Woodland Hills Youth Development Center.

The commissioner announced the department has complied with the mandatory five percent budget reductions. Reductions were taken from administrative costs and will not impact direct services. The reductions have been offset by additional federal funding and will not put a significant strain on the department.

Commissioner Miller announced several departmental goals that included ensuring the competitiveness of staff salaries with the private sector. She also stressed the immediacy of equalizing support funding for adoptive parents with support funding for foster parents. She categorized the current levels of support funding as a "disincentive" to adoption and projected the department will require an additional \$4,000,000.00 over the next three to four years to correct the problem.

#### **Appropriations for 2004-2005:**

	<b>Base 2004-2005</b>	<b>Improvement 2004-2005</b>	<b>Recommended 2004-2005</b>
Positions	4,259	23	<b>4,282</b>
Payroll	164,352,300	1,769,100	<b>166,121,400</b>
Operational	381,094,700	6,411,600	<b>387,506,300</b>
<b>Total</b>	<b>\$545,447,000</b>	<b>\$8,180,700</b>	<b>\$553,627,700</b>
State	257,108,200	5,133,600	<b>262,241,800</b>
Federal	93,851,800	2,687,700	<b>96,539,500</b>
Other	194,487,000	359,400	<b>194,846,400</b>

#### **Specific Improvements**

A. Child Advocacy Centers	\$650,000
B. Brian A. Compliance	\$6,394,000
C. Female Facility at Woodland Hills	\$1,083,300
D. Mandated Teacher Salaries at YDC's and DCS Grp. Homes	\$53,400

#### **Department of Mental Health and Developmental Disabilities**

*Judy Narramore*

*Research Analyst, Health and Human Resources*

On March 18, 2004, Commissioner Ginna Betts, Department of Mental Health and Developmental Disabilities, presented the Department's FY 2004-05 budget request. The Department's **proposed budget totals \$216,786,700, which includes \$106,391,200 in state appropriations** and \$110,395,500 in federal and "other" revenue. The FY 2004-05 budget request includes 2,847 positions.

The Department's **proposed budget was reduced in state dollars to the general fund by \$4,848,200** for FY 2004-05 as part of Governor Bredesen's budget reduction efforts. Commissioner Betts outlined the proposed budget reductions, as follows:

- Consolidate inpatient children's services at Middle TN MHI on main campus, closing all inpatient beds at Belmont campus -\$688,600
  - Discontinue inpatient children's services at Lakeshore MHI -\$635,000
  - Reduce reliance on contract nursing services at Memphis MHI -\$442,200
  - Reduce DOJ consultant visits at MMHI -\$100,000
  - Increase RMHI BHO revenue -\$2,982,400
- Total reduction in state appropriations -\$4,848,200**

The Department had **one improvement request for FY 2004-05, which includes \$912,000 in state appropriations**. The recommended improvement will fund one position for mandatory systems upgrade and maintenance for the behavioral health information systems at the five RMHI.

## **F&A Division of Mental Retardation Services**

*Judy Narramore*

*Research Analyst, Health and Human Resources*

On March 18, 2004, Stephen Norris, Deputy Commissioner of the Division of Mental Retardation Services (DMRS), presented the Division's FY 2004-05 budget request. The Division's **proposed budget for FY 2004-05 totals \$679,341,900, which includes \$111,001,900 in state appropriations** and \$568,340,000 in federal and "other" revenue (primarily interdepartmental TennCare funds). The FY 2004-05 budget request includes 4,184 positions for the Division.

As part of Governor Bredesen's FY 2004-05 budget reduction efforts, the Division's proposed budget was **reduced in state dollars to the general fund by \$4,377,500**. This reduction will be generated by evaluating contracts to determine which ones can be modified, reduced, or eliminated.

Requested **improvements for FY 2004-05 total \$58,505,900, which includes \$23,963,300 in state appropriations** and \$34,542,600 in interdepartmental revenue. One hundred eighteen (118) positions are requested in the improvement budget. Improvement funds are requested to implement the provisions of the *Blueprint for Improving the Service Delivery System for Persons with Mental Retardation in Tennessee (Blueprint)* and for resolving the Waiting List Lawsuit. The *Blueprint* outlines the changes needed to bring DMRS into compliance with all lawsuits, court orders, and federal mandates.

As of January 31, 2004, DMRS was serving approximately 720 individuals in Developmental Centers and over 12,500 individuals in the community. In addition, there were 3,175 people on the waiting list. This waiting list includes individuals who are not currently receiving any services, as well as those waiting for specifically requested services that are not yet available.

The Division is currently under moratorium from enrolling any additional people into Medicaid Waiver services, except in cases of documented crisis. This moratorium was imposed by the Centers for Medicare and Medicaid Services because DMRS was not in compliance with all federal mandates. The lack of available funding caused services that would otherwise be provided through Waiver funding to be paid by state funds.

